

IN THE CIRCUIT COURT OF WETZEL COUNTY, WEST VIRGINIA
BUSINESS COURT DIVISION

MARKWEST LIBERTY MIDSTREAM
& RESOURCES, L.L.C.,
Plaintiff,

v.

CIVIL ACTION NO. 16-C-82
JUDGE H. CHARLES CARL, III

J.F. ALLEN COMPANY;
AMEC FOSTER WHEELER
ENVIRONMENT & INFRASTRUCTURE, INC.; and
REDSTONE INTERNATIONAL, INC.;
*Defendants*¹,

BENCH TRIAL ORDER
DAY NINE: OCTOBER 1, 2020

1. On the 1st day of October, 2020, this matter came on before the Court for a bench trial. By prior agreement of the parties, the Court conducted the bench trial in Hampshire County, West Virginia. The Plaintiff was present by its counsel Kevin L. Colosimo, Joseph M. Ward, and Jonathan G. Brill, and its in-house counsel Jonathan Allen. Defendant J.F. Allen Company was present by its counsel Douglas C. LaSota and Nicole L. Carnevale and by its President, Greg Hadjis. Defendant Amec Foster Wheeler Environment & Infrastructure, Inc. was present by its counsel Vic L. McConnell and by its Lead Engineer Chris Ramsey. Defendant Redstone International, Inc. was present by its counsel Bruce E. Stanley and Michael A. Jacks, and by its President, Heath Kefover.

2. The Court inquired as to whether counsel had any objections to the Day Order from yesterday. Counsel had no objections and the Court then entered the Order.

3. Thereafter, Mr. LaSota re-called Greg Hadjis to the stand and his direct examination continued. During testimony, Mr. LaSota marked the following Exhibits, as they

¹ The remaining Defendants were dismissed, by agreement of the parties, prior to the bench trial.

were not marked prior to trial: **J.F. Allen 190A** (Summary of Redstone Payments); **J.F. Allen 230** (Emailed Change Order 3 Proposal); and **J.F. Allen 230A** (Actual Record of the Haul).

4. Following testimony with regard to J.F. Allen's Counterclaim, Mr. Hadjis was subject to direct examination regarding J.F. Allen's Crossclaims.

5. During the testimony of Mr. Hadjis, the Court recessed for a brief break.

6. After the break, the testimony of Mr. Hadjis continued.

7. Thereafter, Mr. Hadjis was subject to cross examination by Mr. Colosimo regarding the Counterclaim. During cross examination regarding the Counterclaim, the Court recessed for a lunch break.

8. After the lunch break, the cross examination of Mr. Hadjis resumed.

9. Thereafter, Mr. Hadjis was subject to cross examination by Mr. Stanley regarding the Crossclaim. During cross examination, the Court recessed for a brief break.

10. Following the break, the cross examination of Mr. Hadjis resumed. During testimony, Mr. Stanley marked the following Exhibits, as they were not marked prior to trial: **Redstone 2A-3** (Excerpt from one of the versions of the Amec design); **Redstone 2A-27** (Email dated 08/04/2015 replying to Chris Ramsey's site visit summary email); **Redstone 2A-35** (Email dated 02/23/2015 regarding guidance for fill and low temperatures); **Redstone 2A-42** (Series of emails around 03/30/2016 regarding repair work).

11. Thereafter, Mr. Hadjis was subject to cross examination by Mr. McConnell regarding the Crossclaim. During testimony, Mr. McConnell marked the following Exhibit, as it was not marked prior to trial: **Amec 278** (Enlarged Wall diagram indicating fill level).

12. Following cross examination, the Court and counsel agreed to continue with Mr. Hadjis' testimony tomorrow.

13. At 4:31 p.m. the proceedings adjourned for the day. The Court and counsel agreed to start testimony at 8:30 a.m. tomorrow.


It is **ORDERED**:

- ❖ The Circuit Clerk shall send this Order to all counsel of record.
- ❖ The Court notes the objections and exception of the parties to any adverse findings or rulings herein.

ENTERED this 2nd day of October, 2020.


H. CHARLES CARL, III, JUDGE
BUSINESS COURT DIVISION



HEREBY CERTIFY THAT THE ANNEXED INSTRUMENT IS A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE.
ATTEST:  CIRCUIT CLERK
WETZEL CO. WEST VIRGINIA
BY: _____ DEPUTY CLERK